

ASSEMBLY, No. 3702

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Allows for relocation of approved residual dwelling site opportunities on preserved farmland under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain exemptions to development on
2 preserved farmland and supplementing P.L.1983, c.32 (C.4:1C-
3 11 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. a. An owner of preserved farmland may relocate the
9 residual dwelling site for any residual dwelling site opportunity
10 specified on the preserved farmland's deed of easement by applying
11 to, and obtaining the approval of, the county agriculture
12 development board and the State Agriculture Development
13 Committee. The county agriculture development board and State
14 Agriculture Development Committee shall approve the application
15 to relocate the residual dwelling site, provided that:

16 (1) the original residual dwelling site opportunity has not been
17 exercised, or if the original residual dwelling site is developed or
18 partially developed:

19 (a) the original residual dwelling site is returned to an
20 undeveloped, preserved state useable for agricultural or
21 horticultural purposes; or

22 (b) the original residual dwelling site is allocated for
23 agricultural labor housing;

24 (2) the relocation does not result in a net loss of farmland,
25 except as may be allowed for the original residual dwelling site to
26 be used for agricultural labor housing; and

27 (3) the relocation does not have an adverse impact on the
28 agricultural operation on the preserved farmland.

29 The municipality in which the preserved farmland is located,
30 and, if the development easement is owned by a nonprofit, the
31 nonprofit, shall be consulted in this application review and decision
32 process.

33 b. Notwithstanding any other provision of law, or rule or
34 regulation adopted pursuant thereto, to the contrary, an additional
35 residual dwelling site opportunity may be approved pursuant to
36 subsection a. of this section for a preserved farm of less than 200
37 acres on which the original residual dwelling site opportunity is
38 being exercised for agricultural labor housing.

39 c. Upon approval of the application pursuant to subsection a. of
40 this section, the owner of the preserved farmland shall file a
41 corrective deed of easement with the appropriate county clerk's
42 office indicating the relocation of the specific residual dwelling site
43 and any other changes to the deed restrictions on the preserved
44 farmland directed by the county agriculture development board and
45 the State Agriculture development board pursuant to subsection a.
46 of this section.

1 d. As used in this section:

2 “Preserved farmland” means land on which a development
3 easement was conveyed to, or retained by, the State Agriculture
4 Development Committee, a county agriculture development board,
5 a municipality, or a qualifying tax exempt nonprofit organization
6 pursuant to the provisions of section 24 of P.L.1983, c.32 (C.4:1C-
7 31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 1 of
8 P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180 (C.4:1C-
9 43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-37
10 through C.13:8C-40), or any other State law enacted for farmland
11 preservation purposes.

12 “Residual dwelling site” means the location of a constructed or
13 planned residential unit and other permitted appurtenant structures.

14 “Residual dwelling site opportunity” means the potential to
15 construct a residential unit and other permitted appurtenant
16 structures to the residential unit.

17 “Residential unit” means the residential building to be used for
18 single family residential housing and its appurtenant uses. The
19 Construction and use of the residential unit shall be for agricultural
20 or horticultural purposes.

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22 2. This act shall take effect immediately.

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25 STATEMENT

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27 This bill allows the owner of preserved farmland to relocate the
28 residual dwelling site for a residual dwelling site opportunity
29 specified on the preserved farmland’s deed of easement, with the
30 approval of the county agriculture development board and the State
31 Agriculture Development Committee, provided that:

32 1) the original residual dwelling site opportunity has not been
33 exercised, or if the original residual dwelling site is developed or
34 partially developed:

35 a) the original residual dwelling site is returned to an
36 undeveloped, preserved state useable for agricultural or
37 horticultural purposes; or

38 b) the original residual dwelling site is allocated for
39 agricultural labor housing;

40 2) the relocation does not result in a net loss of farmland,
41 except as may be allowed for the original residual dwelling site to
42 be used for agricultural labor housing; and

43 3) the relocation does not have an adverse impact on the
44 agricultural operation on the preserved farmland.